



CUSTODY INFORMATION AND WORKSHEET

If you are reading this custody information and worksheet, in all likelihood you are embarking on a custody case. We recognize that custody cases are the most stressful litigation that a client can undertake. The following is information designed to give you a basic understanding of the issues that you will be dealing with during the course of your case. This information is by no means intended as a complete summary of all provisions of the law relating to custody cases. Those provisions are far too complex and too numerous to summarize in a brief handout. The information is intended as a primer and a guide.

The public policy of the State of Texas is to (1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; (2) provide a stable environment for the child; and (3) encourage parents to share in the rights and duties in raising their child after the parents have separated or dissolved their marriage.

The Family Code also provides that in determining the issues of conservatorship and possession of an access to the child, primary consideration of the court shall always be in *the best interest of the child*.

In a custody action the court may appoint one parent Sole Managing Conservator (the Texas term for child's primary custodian) and the other parent Possessory Conservator (the term for visiting parent) or may appoint both parents as Joint Managing Conservators. The term Joint Managing Conservator has no definition and carries no specific periods of visitation with the title. The value of the title is determined by the rights and duties assigned by the court to each parent and by the periods of possession awarded a parent. Parents may enter into a written agreement containing provisions for the conservatorship and possession of the child, however, the court must find that the agreement is in the child's best interest.

Regardless of whether a party to a custody case is appointed a Sole Managing Conservator, Possessory Conservator, or Joint Managing Conservator, the conservator will have certain rights and duties relating to the child. If both parents are appointed as conservators of the child, the court must determine whether those rights will be exercised by each party independently, by the joint agreements of the parents, or exclusively by one parent. The rights and duties are specifically defined by the Family Code and includes such things as the right to determine the domicile of the child and the right to determine the child's education.

Guidelines for the Possession of a Child by a Parent –“Standard Possession Order”

A “Standard Possession Order” (hereinafter called “S.P.O.”) is a guideline for terms and conditions for possession and access of a child. The periods of possession set out in the S.P.O. are the minimum visitation generally accorded a Possessory Conservator or a Joint Managing